

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICROSOFT CORPORATION,

Plaintiff(s),

-against-

UNET WORLDWIDE, INC. and
DUANYUE HE,

Defendant(s).

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WALL, Magistrate Judge:

ORDER

CV 06-5028 (ADS)(WDW)

Before the court is a letter motion by the plaintiff, Microsoft Corporation, seeking an order compelling the defendants to produce initial disclosures, as well as full responses to the discovery demands that Microsoft has served. DE[10]. The motion is unopposed.

Microsoft reports that the defendants have failed to meet their discovery obligations and have failed to respond to good faith efforts to resolve the issues. *See* DE [10] at 1-2. Specifically, the plaintiff states that the defendants have served no initial disclosures, and that the defendants' limited responses to interrogatories were served nearly two months late and consisted almost entirely of objections, with answers to only three of 21 questions. *Id.* The defendants produced no documents at all in response to the plaintiff's formal document demands, but did produce a few documents as part of "informal discovery," as defense counsel referred to it. *Id.* n.1. Further, the defendants have failed to respond to this motion.

The plaintiff asks that the defendants be ordered to serve written initial disclosures, and to provide answers to all interrogatories and produce all documents responsive to Microsoft's requests for production. Microsoft argues that the defendants have waived their right to object to the interrogatories and document demands, inasmuch as their responses to date have been untimely or nonexistent. The court agrees. The defendants are directed to produce their initial disclosures, along with their responses to the unanswered interrogatories and document demands,

no later than June 21, 2007, the date on which discovery is now set to expire. No objections may be asserted. The defendants are warned that if they have not yet served their own fact discovery demands, they must do so before the current discovery deadline expires, and are further warned that if they do not fulfill their discovery obligations, they risk a default judgment.

The undersigned will hold a status conference on **June 22, 2007 at 10:30 a.m.** to set a new deadline for taking depositions. All counsel must attend. **The court awards the plaintiff \$250 in reasonable expenses pursuant to Rule 37.**

Dated: Central Islip, New York
June 7, 2007

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge